

REMARKS

By the present amendment, claims 10-20 are pending in the application.

Claim Amendments

New claims 10-17 correspond to canceled claims 1 to 8. New claims 18-20 correspond to canceled claim 9.

In new claims 10 and 14-20 the term "characterized by" appearing in canceled claims 1 and 5-9 has been replaced by --comprising--.

New matter is not being presented by the present amendment.

Double Patenting

Claims 1-9 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of co-pending Application No. 10/031,822.

This rejection, as applied to new claims 10-20, is only provisional because no patent has issued on Application No. 10/031,822. Therefore, no further action on the obviousness-type double patenting rejection is required at this time.

It is pointed out that the entire right, title and interest in the present Application No. 09/980,701 is assigned to Nippon Steel Corporation, Tokyo, Japan. The entire right, title and interest in Application No.

10/031,822 is assigned to (1) Nippon Steel Corporation, Tokyo, Japan and (2) Krosaki Harima Corporation, Fukuoka, Japan.

Double Patenting Traversed

The obviousness-type double patenting rejection is respectfully traversed.

The claims of Application No. 10/031,822 require a cloth material between the inorganic refractory fiber and the surface hardening material. The claims of present Application No. 09/980,701 do not require the cloth material.

Applicants maintain that the claims of the two applications are not obviousness in view of one another and are patentably distinct from one another.

The Office Action provides no reasons for the obviousness-type double patenting rejection.

The invention of Application No. 10/031,822 is an improvement over the present Application No. 09/980,701. The present Application No. 09/980,701 which claims priority from Japanese Patent Application No. 2000-058766 is discussed in the specification of Application No, 10/031,822 from page 2, line 23 to, page 5, line 6.

Applicants maintain that there is nothing obvious about the improvements of Application No. 10/031,822. Again, the Office Action has advanced no reasons for the obviousness-type double patenting rejection.

The applicants also assert that there is a very significant difference between the claims of one application dominating the claims of another application and the judicially created doctrine of obviousness-type double patenting.

It is clear that the inventions of present Application No. 09/980,701 and Application No. 10/031,822 are patentably distinct from one another.

It is therefore respectfully requested that the obviousness-type double patenting rejection be withdrawn.

Claim Objections

Claims 1 and 5 to 9 were objected to because of the use of the word "characterized".

In response to this objection, claims 1 to 9 have been canceled and replaced with new claims 10-20. The word "characterized" does not appear in new claims.

In view of the present amendment, it is respectfully requested that the claim objections be withdrawn.

§102

Claims 1 to 9 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,236,773 to Sorathia et al.

This rejection is respectfully traversed.

Patentability

Sorathia et al. relates to a fire-resistant barriers for composite materials, and the main-feature of the multiple layer construction resides in the construction (A) a multilayer fire-resistant barrier material over (B) a fiber-reinforced plastic composite material substrate. (A) the multilayer fire-resistant barrier material is comprised of (a) a first bond coating layer, (b) an intermediate ceramic coating layer, and (c) an outer intumescent coating layer, and (B) the fiber-reinforced plastic composite material substrate is composed of a first coating layer comprising a plastics (such as polyesters, epoxy resins, phenolic resins, bismaleimides and polyphenolic sulfides) reinforced by fibers (such as glass fiber, carbon fiber, Kevlar fiber, and Spectra fiber) (See col. 2, lines 13-17).

The first bond coating layer (a) comprises zinc being from about 2 - about 3 mils thick. The ceramic layer (b) comprises zirconia stabilized with approximately 7-8% yttria, the yttria stabilized zirconic being from about 3 - about 10 mils thick.

The intumescent coating layer (c) is from about 10 - about 40 mils thick.

On the other hand, an important feature of the present invention resides in a highly endurable heat insulating material which comprises providing on a surface

layer of inorganic heat insulating fibers a flame gunned film of a fire-resistant ceramic substance through the medium of a coating film of a surface hardening material.

The fibers as a first layer (base layer) are alumina-silica substance, refractory clay, zirconia, mullite, zircon, magnesia, calcia, dolomite, corundum, bauxite, alumstone, silicon carbide, chromite, etc., and the surface of the fibers is coated with a surface hardening material (such as alumina-silica substance, refractory clay, zirconia, mullite, zircon, magnesia, calcia, dolomite, corundum, bauxite, alumstone, silicon carbide, chromite, etc) which has similar hot-temperature property, and the most outer layer is flame gunned with refractory ceramic powder.

The differences between both materials are as follows: as the first layer, it is fibers in the present invention, whereas the organic resin is necessary as a binder in Sorathia et al. As the intermediate layer, the material of Soranthia et al. has a coated layer worked by plasma sprayed or usual sprayed with zirconia. On the contrary, the feature of the surface hardening material in the present invention (page 15, line 29, page 16, line 31) is different from the material of Sorathia et al. which discloses only zirconia. As shown on page 15, line 3, in the present invention, the first layer of fibers is not coated by flame gunning, but the necessity of the surface hardening is for a liquid and or pasty state being capable of being permeable

into the interior of the fiber layer (see page 17, lines 1-4), and the surface hardening material and flame gunned film of the refractory ceramics preferable have a similar hot-temperature property (see page 10, lines 23-26).

That is, the surface hardening material in accordance with the present invention has functions that it permeates into the fiber layer, increases adhesiveness by forming the composite layer with the fiber and the surface hardening agent protects the inorganic heat insulating fibers from high temperature flame during the flame gunning and prevent cracks on the flame sprayed layer after cooling.

On the other hand, a construction component of the most outer layer of Sorathia et al. is formed by usually coating the expanded layer (see col. 4, lines 49-50). On the contrary, the "refractory ceramics" in accordance with the present invention is preferably made by flame spraying, and the material has a similar hot-temperature property to that of the surface hardening material.

Further, the plasma spraying is a method for coating with refractory powders in the plasma arc, while the flame gunning is a method for coating with refractory powders in a flame composed of LPG and oxygen, so both are quite different each other.

It is therefore submitted that independent claim 10, and claims 11-20 dependent thereon, are patentable over Sorathia et al.

CONCLUSION

It is submitted that in view of the present amendment and foregoing remarks, the application is now in condition for allowance. It is therefore respectfully requested that the present amendment be entered and the application, as amended, be allowed and passed for issue.

Respectfully submitted,

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